Supreme Court, U.S.
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92-1575

No. 92-

In The

Supreme Court of the United States

October Term, 1992

GEORGE E. MERCIER and SUSAN Y. MERCIER,

Petitioners,

vs.

SHERATON INTERNATIONAL, INC., a/k/a
ITT-SHERATON INTERNATIONAL, INC.,

Respondent.

**Petition For A Writ Of Certiorari To
The United States Court Of Appeals
For The First Circuit**

SUPPLEMENTAL APPENDIX

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(19053)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE E. MERCIER and
SUSAN Y. MERCIER,
Plaintiffs,

v.

SHERATON INTERNATIONAL, INC.
a/k/a ITT-SHERATON
INTERNATIONAL, INC.,
Defendant.

CIVIL ACTION
No. 90-10067-MA

ORDER OF DISMISSAL

December 9, 1991

MAZZONE, J. Upon a complete review of the written briefs and affidavits submitted by the parties and after oral argument, it is hereby ORDERED that the defendant's renewed motion to dismiss on the ground of *forum non conveniens* is allowed, and the complaint is dismissed on the following conditions, should plaintiffs pursue their claims through appropriate proceedings or actions in the courts of the Republic of Turkey:

1. The defendant's consent to the jurisdiction of the courts in the Republic of Turkey.
2. That the courts of the Republic of Turkey in fact exercise jurisdiction.
3. The defendant agrees to satisfy judgments, if any, by the courts of the Republic of Turkey.
4. The defendant shall not assert any defense based upon any statute of limitations but shall affirmatively waive any such defense and provided that the Courts of the Republic of Turkey shall give full force and effect to such waiver.

¶ # 5 & 6 deleted. ADM, J. 12/9/91

5. ~~Defendant agrees to arrange for the translation of documents necessary in connection with the prosecution of plaintiff's claims in the Republic of Turkey.~~

6. ~~Defendant shall make witnesses available to the action in the Republic of Turkey.~~

This Court shall retain jurisdiction solely to permit plaintiffs to move in this Court to reinstate their complaint in the event any of the above conditions are not met in full.

s/ A. DAVID MAZZONE

U.S. DISTRICT JUDGE